

1 THE HONORABLE JUDGE JOHN H. CHUN  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 GIZACHEW WONDIE, )  
11 v. ) Plaintiff, ) Case No. 2:21-cv-01623-JHC  
12 KING COUNTY, et al., ) )  
13 Defendant. ) ) **STIPULATION AND ORDER FOR**  
14 ) ) **F.R.C.P. 35 EXAM OF PLAINTIFF**  
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16 I. **STIPULATION**

17 In accordance with the Federal Rules of Civil Procedure and the Professional Rules of  
18 Conduct, Plaintiff Gizachew Wondie, Defendant King County, and Defendant Kathleen Decker  
19 stipulate to the following:

20 1. The parties agree there is good cause to perform a defense psychological  
21 examination (“exam”) of Plaintiff, which shall be conducted at the time and location agreed  
22 to by counsel for the Parties. The Parties agree to work cooperatively to schedule these  
23 exams. The exam may take place via remote means. The Parties have further agreed that the  
24 exam may take place following the discovery cutoff due to scheduling difficulties.

25 2. Defendants’ expert psychologist will first conduct a clinical assessment of  
26 Plaintiff, which includes an interview to obtain a detailed description of current psychiatric  
27 functioning and symptoms; detailed information about medical, individual psychiatric, family

1 psychiatric, social and developmental histories; a substance use history; a history of treatment  
 2 efforts and compliance regarding psychiatric conditions; and a mental status examination.

3       3. Defendants' expert psychologist will then administer psychological testing and  
 4 likely use the Minnesota Multiphasic Personality Inventory (the newer MMPI-3). The MMPI-  
 5 3 consists of 338 True-False questions.

6       4. Plaintiff may be accompanied by a non-expert chaperone during the following  
 7 portions of the interview portion of exam. Consistent with accepted industry standards, the  
 8 chaperone may not be present during the psychological testing. The Parties agree that in no event  
 9 may counsel of record for either party, or any attorney from counsel's firm(s), attend an exam as a  
 10 chaperone and/or videographer. Plaintiff will disclose to Defendants the name of the  
 11 chaperone, if any, twenty-four (24) hours before the examination takes place. This individual  
 12 may observe the interview portion of the exam but may not interfere with or obstruct it.

13       5. In the event that a problem arises during the course of the exam, the  
 14 Defendants' expert psychologist will contact the attorneys for the Defendants who will  
 15 immediately contact attorneys for Plaintiff in an effort to promptly resolve any problem. The  
 16 Parties will provide their contact information for the day of the exam twenty-four (24)  
 17 hours before the examination.

18       6. Psychologists and neuropsychologists have an ethical and professional  
 19 responsibly to maintain test security and to protect test materials. The Parties agree that they  
 20 will not seek disclosure of any test data as defined by APA Ethics Code Standard 9.04  
 21 ("Release of Test Data") resulting from any exam in violation of these ethical and  
 22 professional responsibilities. The Parties agree that the test data will be exchanged  
 23 between the Parties' respective experts, the Defendants' expert psychologist and Dr. Robert  
 24 Stanulis, as provided below, but that it will not be provided directly to the Parties or counsel.  
 25 The Parties agree that information exchanged between the experts will be limited to test  
 26 data, including the raw data, and communications related to testing materials and test data.  
 27 The information exchanged between the experts will not be provided directly to the Parties  
 or counsel absent written authorization of the Parties and experts or an order of this Court.

1 DATED this 13<sup>th</sup> day of October, 2023.  
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## II. ORDER

Based upon the above Stipulation of the Parties, it is hereby ORDERED that the Parties and their counsel of record will abide by its terms.

Done in Open Court this 13th day of October, 2023.

John H. Chun  
THE HONORABLE JOHN H. CHUN  
United States District Judge